

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUN 17 2016

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CLIVEN D. BUNDY, AKA Cliven
Bundy,

Defendant - Appellant.

No. 16-10264

D.C. No. 2:16-cr-00046-GMN-
PAL-1
District of Nevada,
Las Vegas

ORDER

Before: Peter L. Shaw, Appellate Commissioner.

On June 16, 2016, appellant filed a notice of appeal expressing his intent to appeal from the district court's order entered on May 25, 2016. Because the notice of appeal was filed more than 14 days after May 25, 2016, and also more than 14 days after the district court's "Detention Order Pending Trial," which was entered on June 1, 2016, the notice of appeal was not timely under Federal Rule of Appellate Procedure 4(b)(1)(A). The notice of appeal was, however, filed within 30 days after the expiration of the time to file the notice of appeal. *See* Fed. R. App. P. 4(b)(4).

Accordingly, this case is remanded to the district court for the limited purpose of permitting the district court to provide appellant notice and an opportunity to request that the time for filing the notice of appeal be extended, for a period not to exceed 30 days from the expiration of the time prescribed by Rule 4(b), upon a finding of excusable neglect or good cause. *See Fed. R. App. P. 4(b)(4); United States v. Ono*, 72 F.3d 101, 103 (9th Cir. 1995) (order); *United States v. Ajimura*, 598 F.2d 510 (9th Cir. 1979); *United States v. Stolarz*, 547 F.2d 108 (9th Cir. 1976).

The district court is requested to make this determination at its earliest convenience and to send to this court a copy of its order setting forth the basis for its determination. In addition, the district court is requested to serve its order on the parties.

The proceedings in this court are held in abeyance pending the district court's determination.

The Clerk shall serve this order on the district judge.